

7506C:awilliams:12/1/03:ESPP/CONSULTATION PACKAGES FENAMIPHOS
TRANSMITTAL LETTER

ORIGINAL SIGNED 12-1-03

Ms. Laurie Allen
Acting Director, Office of Protected Resources
National Marine Fisheries Service - 13th floor
1315 East-West Highway
Silver Spring, MD 20910

Dear Ms. Allen:

The Office of Pesticide Programs (OPP), US Environmental Protection Agency (EPA) respectfully requests the initiation of Endangered Species Act (ESA) section 7(a)(2) consultation. This consultation request addresses eleven (11) Evolutionarily Significant Units (ESU's) of Pacific salmon and steelhead that have been listed as Federally endangered or threatened, and one pesticide active ingredient registered by EPA under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), for uses within the range of the listed ESUs. The pesticide active ingredient subject to this request is *fenamiphos* which is an organophosphate pesticide registered for control of nematodes and insects on a variety of crops (primarily fruit and vegetable crops), and turf and ornamentals. Our long-term intent is to make effects determinations and consult, as appropriate, relative to all listed species and locations. However, as per agreement with the National Marine Fisheries Service, this request is limited to Pacific salmon and steelhead for which NMFS has responsibility.

Fenamiphos has very high toxicity to fish and invertebrates in laboratory tests. However, based on the best available data on usage, environmental fate characteristics, the habitat for the individual ESU's and other information, OPP has determined that some fenamiphos uses may affect two listed Pacific salmon and steelhead ESUs; may affect but are not likely to adversely affect nine listed Pacific salmon and steelhead ESUs; and fenamiphos use will have no effect on the remaining fifteen ESUs.

A summary table at the back of the attached analysis indicates the specific determinations made for each of the 26 ESUs. I am requesting your concurrence, under the informal consultation process, on OPP's determination that the registered use of fenamiphos is not likely to adversely affect the following listed Pacific salmon and steelhead ESU's: Southern California steelhead; Central California Coast steelhead; Upper Willamette River steelhead; Lower Columbia River steelhead; Sacramento River winter-run chinook salmon; Central Valley spring-run chinook salmon; Lower Columbia River chinook salmon; Upper Willamette River chinook salmon and Central California coho salmon. I am also requesting formal consultation on our determination that use of fenamiphos may affect the South-Central California Coast steelhead; and the Central Valley California steelhead. We are not requesting consultation on the remaining fifteen since we have determined that fenamiphos use will have no effect on those

ESUs.

OPP is working toward a final endangered species program which is expected to be final within the next several months. We are developing county-specific bulletins to address pesticide use and endangered and threatened species. It is through such bulletins, and pesticide product label reference to them, that OPP intends to implement and enforce protections for listed species, including any necessary protections for listed salmon and steelhead.

I look forward to working with NMFS to protect and help recover listed species. If you have any questions, please feel free to contact me on (703) 305-5239, or your technical staff may contact Ann Stavola, our review biologist, at (703) 305-5354.

enclosures

Sincerely,

Arthur-Jean B. Williams, Chief
Environmental Field Branch
Field and External Affairs Division (7506C)

cc: Craig Johnson